

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Application of

**AER LINGUS LIMITED**

For a Statement of Authorization (codesharing)

Docket DOT-OST-2021-

**APPLICATION OF AER LINGUS LIMITED**

Communications with respect to this document should be sent to:

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*Counsel for Aer Lingus Limited*

July 21, 2021

**NOTICE:** Any person may support or oppose this application by filing an answer and serving a copy of the answer on undersigned counsel and upon each person served with this application by July 30, 2021.

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Pursuant to § 212.9 of the Department's regulations, Aer Lingus Limited requests a statement of authorization to the extent necessary to enable it to display the B6\* designator code of its existing codeshare partner, JetBlue Airways Corporation (JetBlue).<sup>1</sup> More specifically, Aer Lingus Limited requests authority to display the JetBlue B6\* designator code on flights operated by Aer Lingus Limited from any point or points behind any Member State of the European Union via any point or points in any Member State, and via intermediate points to any point or points in the United States and beyond. Aer Lingus Limited also requests authority to display the JetBlue B6\* designator code on flights operated by Aer Lingus Limited between any point or points in the United States and any point or points in any member of the European Common Aviation Area.

Aer Lingus Limited further requests the authorization requested here be issued expeditiously to enable JetBlue to market the codeshare service for which authorization is requested here as soon as possible after receipt of all requested government authorizations. Aer

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<sup>1</sup> By Notice of Action Taken dated February 27, 2013, in Docket DOT-OST-2013-0034, the Department authorized JetBlue to display the Aer Lingus EI\* designator code on JetBlue's flights between points in the United States in conjunction with services held out by Aer Lingus between the European Union and the United States (either nonstop or via third-country intermediate points).

Lingus Limited also requests the authorization be continued indefinitely to the extent consistent with the Department's policies.<sup>2</sup>

In support of this application, Aer Lingus Limited states as follows:

1. Aer Lingus Limited currently operates scheduled service to the United States pursuant to its foreign air carrier permit issued by Order 2007-10-38 in Docket DOT-OST-2007-28550. That Order authorizes Aer Lingus Limited to, *inter alia*, engage in foreign scheduled air transportation of persons, property, and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond; and foreign scheduled air transportation of persons, property, and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area. Aer Lingus Limited successfully completed an IATA Operational Safety Audit (IOSA) and is listed on IATA's IOSA Registry.

2. The requested authorization for Aer Lingus Limited to display the designator code of its existing codeshare partner, JetBlue, is consistent with Article 10(7) of the 2007 U.S.-EU Open Skies Agreement, which authorizes cooperative marketing arrangements including codesharing with any airline or airlines of the parties, provided all participants hold the appropriate authority and meet the requirements normally applied to such arrangements.

3. Accordingly, Aer Lingus Limited holds all requisite underlying authority and grant of the requested Statement of Authorization would be consistent with the public interest.<sup>3</sup>

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<sup>2</sup> Aer Lingus Limited requests a waiver of the 45-day advance filing requirement specified in Section 212.10 of the Department's regulations.

<sup>3</sup> The requested authorization is also consistent with the Department's longstanding policy of granting codeshare rights to other foreign carriers whose homeland governments have open skies relationships with the United States. See, e.g., Department Action, DOT-OST-2002-13958, January 9, 2009 (Air France/Alitalia); Department Action, DOT-OST-2010-0175, July 30, 2010 (Austrian/Lufthansa); Notice of Action Taken, DOT-OST-2010-0199, August 24, 2010 (Aer Lingus/Spainair); Department

4. Aer Lingus Limited's existing codeshare partner, JetBlue, also holds the requisite authority. JetBlue holds blanket open skies certificate authority granted by Order 2007-7-3, issued May 7, 2007. JetBlue's authority to codeshare with Aer Lingus Limited was granted February 27, 2013 for an indefinite period in Docket DOT-OST-2013-0034.

5. By submitting this application, Aer Lingus Limited hereby provides notice of its intent to display the JetBlue B6\* code on the routes described herein. Pursuant to the Department's Notice in the Matter of Blanket Notification of Code-Share Service to Open-Skies Partners and Points, dated February 9, 2009, this filing serves as a blanket 30-day notification of intent to codeshare to Open-Skies points. Consistent with standard practice, Aer Lingus Limited will notify the Department no later than 30 days before commencing any codeshare services to non-open skies points. Any notification regarding non-open skies points will inform the Department of the codeshare market(s) to be served and the date on which the service will begin. Aer Lingus Limited will conduct all codeshare operations in compliance with 14 CFR Part 257 and will accept the Department's standard codeshare conditions.

ACCORDINGLY, Aer Lingus Limited respectfully requests authority to display the B6\* airline designator code of Aer Lingus Limited's existing codeshare partner, JetBlue, on any and all flights operated by Aer Lingus Limited, either now or in the future, from any point or points behind any Member State of the European Union via any point or points in any Member State, and via intermediate points to any point or points in the United States and beyond. Aer Lingus Limited

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Action, DOT-OST-2014-0128, August 4, 2014 (WestJet/JAL); Department Action, DOT-OST-2015-0078, May 7, 2015 (WestJet/Air France); Department Action, DOT-OST-2016- 0051, April 26, 2016 (Alaska/Horizon/SkyWest/LATAM Peru); and Department Action, DOT-OST-2016-0118, July 15, 2016 (Qatar Airways/SriLankan); and Department Action, DOT-OST-2009-0337 and DOT-OST-2013-0007, March 18, 2020 (American Airlines/Qatar Airways).

also requests authority to display the JetBlue B6\* designator code on flights operated by Aer Lingus Limited between any point or points in the United States and any point or points in any member of the European Common Aviation Area. Aer Lingus Limited requests the authorization be continued indefinitely to the extent consistent with the Department's policies.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. Hainbach', is positioned above the printed name.

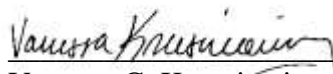
Don H. Hainbach

*Counsel for Aer Lingus Limited*

July 21, 2021

## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of July 2021, a copy of the foregoing application has been served by electronic mail on the parties named below.

  
Vanessa C. Krasniewicz

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